

Michael Q. Carey *
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By Fax

June 11, 2006

Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 525
New York, NY 10007

APPLICATION GRANTED
SO ORDERED

6/12/07
John G. Koeltl, U.S.D.J.

Re.: In re Ernst (Case No. 07-cv-4840)Subj: Request for Enlargement of Time to File Appellant's Brief

Dear Judge Koeltl:

We represent creditor Michael Q. Carey d/b/a Carey & Associates ("Carey") in the above captioned appeal. We write, pursuant to Rules 8009 and 9006(b)(1) of Federal Rules of Bankruptcy Procedure ("Fed.R.Bank.P.") and Rule 6(b) of the Federal Rules of Civil Procedure, to request an enlargement of time to file Appellant's brief.

This case has been pending in bankruptcy court for a hearing on Carey's attorneys' fee application since April 2004. The decision currently on appeal disallowed Carey's claim in its entirety based on new law in the Appellate Division, First Department.

By ECF Notice dated June 7, 2007, we received the briefing schedule in the above matter. The current due date of Appellant's Brief is June 25, 2007.

During the next two weeks, among other prior commitments, my associate and I will be engaged in preparing for and conducting a hearing in the Supreme Court for the State of New York, New York County ("Supreme Court") on June 19, 2007, and taking a deposition on June 20, 2007. Within the next few days, we may also have to make a motion to compel production of documents in the Supreme Court case if requested documents are not delivered to us by June 12, 2007.

* Also Admitted in New Jersey

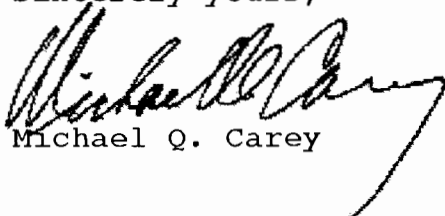
In addition, my associate and I have prior long-standing engagements to travel out of town at the end of this week and we will be unable to complete the brief by June 25, 2007.

We request a two-week extension, from June 25 until July 9, 2007, to file Appellant's Brief in this matter. The remaining briefing schedule will be governed by Rule 8009, Fed.R.Bankr.P.

We have consulted the attorney for Appellees and he informed us that his clients do not consent to our request.

This is our first request for an extension of time.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael Q. Carey", with a long, sweeping horizontal stroke extending to the right.

Michael Q. Carey

Cc.: Joseph L. Fox, Esq. (by fax)
Jeffrey L. Sapis, Chapter 13 Trustee (by fax)
United States Trustee (by mail)